

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7267

BILL NUMBER: SB 454

NOTE PREPARED: Jan 2, 2007

BILL AMENDED:

SUBJECT: Silicosis.

FIRST AUTHOR: Sen. Steele

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides that civil actions alleging a silica or mixed dust disease claim may not be maintained unless the plaintiff: (1) makes a prima facie showing that the plaintiff has a physical impairment and that the plaintiff's exposure to silica or mixed dust is a substantial contributing factor to the physical impairment; and (2) establishes technical and other standards for making the prima facie showing.

The bill also requires a court to dismiss a silica or mixed dust claim without prejudice if the plaintiff does not make a prima facie showing within 120 days after the filing of the claim.

It specifies that the statute of limitations does not begin to run until the plaintiff discovers or should have discovered the disease or injury.

The bill provides that a premises owner is not liable for injury to an individual resulting from exposure unless the exposure occurred while the individual was on the premises owner's property. It specifies that a civil action may be filed only in the venue: (1) where the plaintiff resides; or (2) where the exposure to silica, mixed dust, or both, that was a substantial contributing factor to the plaintiff's physical impairment occurred.

Effective Date: July 1, 2007.

Explanation of State Expenditures:

Explanation of State Revenues: *Court Fee Revenue:* To the extent that the bill limits the plaintiffs ability to maintain a claim alleging a silica or mixed dust disease and limits claims against premises owners, there may be fewer civil actions filed. A civil filing fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the judicial salaries fee (\$15), the public defense administration fee (\$3), the court administration fee (\$2), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Court Fee Revenue:* The county general fund receives 27% of the \$100 filing fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee is deposited in the county general fund and 25% is deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

Local Agencies Affected: Trial courts, city and town courts.

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